

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION :
: **ORDER TERMINATING**
: **MOTIONS**
: -----

MICHAEL KEATING, Individually, and as
Personal Representative of the Estate of BARBARA
KEATING, Deceased,

Plaintiff,

-against-

AMERICAN AIRLINES, INC., et al.

Defendants.

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GARY MICHAEL LOW, as representative of the
Estate of SARA ELIZABETH LOW, and on behalf
of the Estate Beneficiaries,

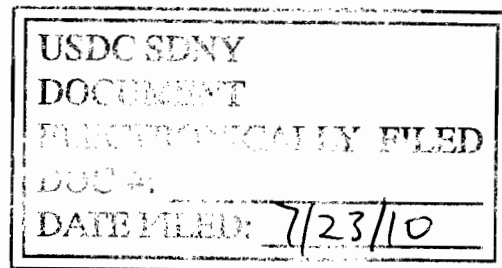
Plaintiff,

-against-

U.S. AIRWAYS, INC., et al.,

Defendants.
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21 MC 101 (AKH)
02 Civ. 7156
03 Civ. 7040



ALVIN K. HELLERSTEIN, U.S.D.J.:

The parties in the Keating and Low cases, captioned above, represent that they propose to withdraw their joint motions for approval of their settlements and, instead, file stipulations to dismiss the cases. The stipulations, pursuant to Rule 41 of the Federal Rules of Civil Procedure, would not require me to make any findings or orders pursuant to the Air Transportation Safety and System Stabilization Act of 2001 ("ATSSSA"), 49 U.S.C. § 40101 note, or otherwise. C.f. In re Sept. 11 Litig., 567 F. Supp. 2d 611, 615 (S.D.N.Y. 2008) (describing settlement approval process in

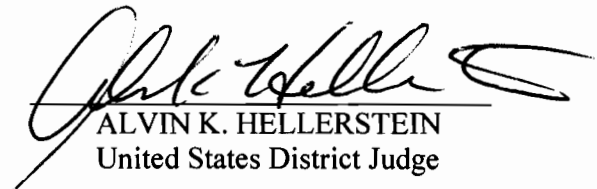
wrongful death and personal injury cases that implicate ATSSSA's liability cap, and rejecting settlements as excessive).

Rule 41(a) permits a plaintiff to dismiss an action "without a court order" by submitting a "stipulation of dismissal signed by all parties who have appeared." Thus, the Rule expresses an intent to allow parties to control the dispositions of their cases, with or without judicial approval, provided that no other relief is requested of, or intended to be considered by, the court, and no other party is affected. Since it appears that neither the plaintiffs nor the defendants, nor any other party, would be affected, and no relief would be requested of me, the stipulations would terminate the actions and remove them from the court's docket.

Accordingly, the Clerk shall mark the motions (Docket Number 21 MC 101: Doc. No. 1086; Docket Number 02 Civ. 7156: Doc. No. 100; Docket Number 03 Civ. 7040: Doc. No. 87) as terminated. If stipulations of dismissal of the Keating and Low actions are filed, signed by all parties who have appeared in these two actions, my approval is not required, and the actions thereby will be terminated.

SO ORDERED.

Dated: July 23, 2010
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge